

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 8-13 were previously canceled.

Claims 26 and 27 are presently canceled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7, 14-25, 28 and 29 (21 claims) are now pending in this application.

Elections/Restrictions

On page two, paragraph two of the office action, the Examiner has imposed a restriction requirement on claims 26 and 27. The Examiner states "Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 26 and 27 are withdrawn from consideration as being directed to a non-elected invention".

At this time Applicant cancels claims 26 and 27, however, reserves the right to file a divisional application with respect to such non-elected claims.

Claim Rejections – 35 U.S.C. §102

On page three, paragraph four of the office action, the Examiner has rejected claims 28, 29 under 35 U.S.C. §102(e) as being anticipated by Armendariz, et al (USPN: 6,945,690).

Claim 28 is in independent form and claim 29 depends from claim 28.

Applicant submits that Armendariz, et al (USPN: 6,945,690) and the present application at the time the invention of the present application was made, were owned by Masterchem Industries, Inc., the assignee of record for each document. In support of this assertion, attached

and incorporated herein by this reference is the Statement of Attorney Keith D. Lindenbaum one of the attorneys of record for the present application.

In accord with MPEP 706.02(I)(2) attached to the Statement of Attorney Lindenbaum are copies of the Patent Assignment Abstract of Title for the Armendariz patent and a copy of a Notice of Recordation of Assignment document for the present application, each showing the common assignee, Masterchem Industries, Inc.

Accordingly, Armendariz, et al (USPN: 6,945,690) is disqualified from being used as a rejection under 35 U.S.C. §102(e) since that patent and the present application, which was filed after November 29, 1999, are commonly owned.

Therefore, Applicants respectfully request that the Examiner withdraw his rejection of claims 28 and 29 under 35 U.S.C. §102(e).

Claim Rejections – 35 U.S.C. §103

On page three, paragraph six of the office action, the Examiner has rejected claims 1-7 and 14-25 under 35 U.S.C. §103(a) as being unpatentable over Hellenberg (USPN: 5,268,620) in view of Armendariz, et al (USPN: 6,945,690).

Applicants submit that Armendariz as stated above is disqualified from being used in a rejection under 35 U.S.C. §103(a) against the claims of the present application. Further, the Examiner acknowledges that Hellenberg does not explicitly disclose the claimed removable platform as disclosed and claimed in the present application.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejection of claims 1-7 and 14-29 under 35 U.S.C. §103(a).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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